

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public service – Home Department – Sri Soodula Nageshwar Rao, Asst. Commissioner of Police, (Traffic-IV) Charminar, Hyderabad sanction of prosecution in a court of Law under sections 332 and 506 of the Indian Penal Code, 1860 and clause (iii) and (X) of sub-section (1) of sec. 3 and clause (VII) of sub-section(2) of section 3 of Scheduled Caste /Scheduled Tribes (Prevention of Atrocities) Act 1989 – Orders – Issued.

HOME (LEGAL-II) DEPARTMENT

G.O.Ms.No. 301

Dated: 29.11.2010

Read the following:

1. From the C.P., Hyderabad, Lr.No. L&O/M3/3032/2005, dated: 20.7.2005
2. Govt.Memo.No. 22370/Legal.II/A1/2005-1, dt: 10.8.2005.
3. From the D.G.P., A.P., Hyderabad, Lr.Rc.No. 3034/Compts- 4/2005, dated: 26.10.2009.

ORDER:

Whereas, Sri Soodula Nageshwar Rao s/o Late S.Krishna Rao, worked as the Assistant Commissioner of Police, Traffic IV, Charminar, South Zone, Hyderabad from 18.6.2003 to 27.6.2004 and at present he is working as Deputy Superintendent of Police in Crime Investigation Department, Hyderabad and as such he is a "public servant" within the meaning of Section 21 of the Indian Penal code, 1860 (Central Act 45 of 1860);

2. And whereas, it is reported by the Commissioner of Police and Director General of Police, Andhra Pradesh, Hyderabad, that the complainant Sri P.Raja babu, Inspector of Police Traffic Police Station Falaknuma, Hyderabad worked as Inspector, Traffic Police Station Falaknuma from 05-10-2001 to 27.6.2004 under Sri Soodula Nageshwar Rao, Assistant Commissioner of Police Traffic IV, Charminar, Hyderabad;

3. And whereas, on 22.2.2004 in view of Telugu Desam Party Vijayabheri Rally and public meeting at 1.35 PM, the complainant along with his staff viz 1. Md.Fazil, Sub-Inspector of Police, Traffic Police Station Falaknuma, Hyderabad 2. Md.Kasim, Police Constable 9281, of Traffic Police Station Falaknuma, Hyderabad 3. B.Satya Prakash Rao, Police Constable 6371 of Traffic Police Station Falanuma, Hyderabad 4. M.Yadaiah Home Guard 3585 of Traffic Police Station Falaknuma, 5. Sharfu Pasha Home Guard 6263 of Traffic Police Station Falaknuma, 6. N.Anjaiah Home Guard 1959 of Traffic Police Station Falaknuma, Hyderabad, 7. B. Bala Raju Home Guard 5819 of Traffic Police Station Falaknuma, Hyderabad, 8. G.Hara Gopal Police Constable 2229 of Police Station Chandryangutta, were performing traffic regulation duty at Mahaboobnagar X roads to regulate plying of vehicles and while so Sri Soodula Nageshwar Rao, Assistant Commissioner of Police (Tr.IV) Charminar came in his Maruthi van bearing No. AP10S-3040 to the above place from Santhosh Nagar side and stopped behind the jeep of the complainant and the complainant and his staff paid respects to him but he went on saying that the complainant beat some people at DMRL X roads during the course of traffic regulation that day after noon and started boasting himself that he did a job better than any L&O officer;

4. And whereas, the complainant kept quite and Sri Soodula Nageshwar Rao, Assistant Commissioner of Police (Tr.IV) Charminar abused the complainant in most filthy language for keeping mum, caught hold of his uniform shirt due to which the shirt buttons and name plate of the complainant fell down and gave fist blows on his right cheek further the Sri

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Soodula Nageshwar Rao, Assistant Commissioner of Police (Tr.IV) Charminar abused the complainant with his SC caste name in the presence of Mohd. Fazil, Sub-Inspector, of Traffic Police Station Falaknuma and others;

5. And whereas on 22.2.2004 on the complaint of the complainant P.Raja Babu, Inspector of Police, Traffic P.S Falaknuma, Hyderabad, SI, A. Ashok Kumar of Chandrayangutta Police Station registered the case in Cr.No. 37/2004 under section 353 and 323 of the Indian Penal Code, 1860 and clause (X) of Sub-section (1) of section 3 of SC/ST (POA) Act 1989 of Police Station Chandrayangutta and sent FIRs to all the concerned. As all the Assistants Commissioner of Police and Deputy Commissioner of Police were engaged in Bandobust duty at parade ground, Secunderabad, the investigation could not be done. On the same day Sub-Inspector seized the uniform shirt, shirt buttons drew rough sketch of the scene and sent the complainant to OGH, Hyderabad for treatment and whereas during the course of investigation Sri R.Saikrishna Assistant Commissioner of Police Falaknuma Divn, who was nominated as I.O in this case as required Under Sub-Rule (1) of Rule 7 of the Scheduled Caste /Scheduled Tribes (POA) Rules 1995 vide proceedings C.No. 1798/C19/CID/PCR/2004, dt: 04.08.2004 of the Director General of Police, Andhra Pradesh, Hyderabad, examined 1. P.Raja Babu, Inspector of Police, Traffic Police Station Falaknuma, Hyderabad. 2. Md.Fazil, Sub-Inspector of Police, Traffic Police Station Falaknuma, Hyderabad. 3. Md Kasim, Police Constable 9281, of Traffic Police Station Falaknuma, Hyderabad. 4. B.Satya Prakash Rao, Police Constable 6371 of Traffic Police Station Falaknuma, Hyderabad, 5. M.Yadaiah Home Guard 3585 of Traffic Police Station Falaknuma, Hyderabad, 6. Sharfu Pasha, Home Guard 6263 of Traffic PS Falaknuma, Hyderabad. 7. N.Anjaiah HG 1959 of Traffic PS Falaknuma, Hyderabad. 8. B.Bala Raju HG 5819 of Traffic PS Falaknuma, Hyderabad, 9. G.Hara Gopal PC 2229 of PS Chandrayangutta, Hyderabad and recorded their statements. He also visited the scene of offence and examined the same;

6. And whereas, the said acts of Sri Soodula Nageshwar Rao s/o Late. S.Krishna Rao, the Assistant Commissioner of Police, (Traffic-IV) Charminar, Hyderabad, now DSP CID, Hyderabad constitute the offences punishable under sections 332 and 506 of the Indian Penal Code, 1860 and clause (iii) and (X) of sub-section (1) of sec. 3 and clause (vii) of sub-section (2) of section 3 of SC/ST (POA) Act 1989;

7. And whereas the Director General of Police, Andhra Pradesh, Hyderabad, has requested for prosecution orders under clause (b) of sub-section (1) of section 197 of the code of criminal pocedure 1973 (Act 2 of 1974) against Sri Soodula Nageshwar Rao, the Assistant Commissioner of Police, (Traffic-IV) Charminar, Hyderabad, now Deputy Superintendent of Police, Crime Investigation Department, Hyderabad, for the prosecution of said offences and for taking cognizance of the said offences by a court of competent jurisdiction.

8. And whereas, the Government Andhra Pradesh, after careful consideration of the report of Commissioner of Police, Hyderabad and Director General of Police, Andhra Pradesh, Hyderabad and record of investigation placed before, consider that the above said accused should be prosecuted in the court of law for the said offences or any other offences relating to the above incident.

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9. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 197 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Government of Andhra Pradesh, hereby accord sanction for prosecution of Sri Soodula Nageshwar Rao for the above said offences punishable under sections 332 and 506 of Indian Penal Code, 1860 and clause (iii) and (X) of sub-section (1) of sec.3 and clause (vii) of sub-section (2) of section 3 of Scheduled Caste /Scheduled Tribes (POA) Act 1989 and for any other cognate offences punishable under any other provisions of law of the time being in force in respect of the above said act and for taking cognizance of the said offences by a court of competent jurisdiction;

10. The Government of Andhra Pradesh, further in exercise of the powers conferred by sub-section (4) of section 197 of the Code of Criminal Procedure 1973 (Act 2 of 1973), hereby authorize the Commissioner of Police/DCP south zone to the prosecution of accused Sri Soodula Nageshwar Rao for the aforesaid offences and any other cogent offences punishable under any other provisions of Law of the time being in force and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
The Additional Director General of Police, CID,
Andhra Pradesh, Hyderabad.
The Commissioner of Police, Hyderabad.

Copy to:

The Law (E) Department
The P.S to Prl.Secy, Home.
C.No.15661/Legal.II/A1/2010
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER